



sector 101  
103  
105

01 hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C., 20231, on the date indicated below.

BY: Franklin D. Hebert

DATE: August 23, 1999

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re: Patent Application of :  
Sean A. McCarthy *et al.* : Attention:  
: **Box Missing Parts**  
Appln. No.: **09/333,159** :  
Filed: June 14, 1999 :  
For: NOVEL GENES ENCODING PROTEINS : Attorney Docket  
HAVING DIAGNOSTIC, PREVENTIVE, : No. **10147-6**  
THERAPEUTIC, AND OTHER USES : (MBIO99-030)

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF APPLICATION - FILING DATE GRANTED**

In response to the Notice to File Missing Parts of Application - Filing Date  
Granted, mailed August 3, 1999, submitted herewith is an executed Declaration and Power of  
Attorney for the above-identified applicational.

The filing fee, which was not authorized or paid at the time of filing of this patent  
application, has been calculated as shown below:

|                                   |           |           | SMALL ENTITY         |           |           | LARGE ENTITY        |                 |
|-----------------------------------|-----------|-----------|----------------------|-----------|-----------|---------------------|-----------------|
| CLAIMS                            | NO. FILED | NO. EXTRA | BASIC FEE:<br>\$380. |           |           | BASIC FEE:<br>\$760 |                 |
| Total                             | 23-20 =   | 3         | X9                   | \$        | OR        | X18                 | \$54.00         |
| Independent                       | 3-3 =     |           | X39                  | \$        | OR        | X78                 | \$              |
| Multiple Dependent Claims Present |           |           | \$130                | \$        | OR        | \$260               | \$              |
|                                   |           |           | <b>TOTAL</b>         | <b>\$</b> | <b>OR</b> | <b>TOTAL</b>        | <b>\$814.00</b> |

The Commissioner is hereby authorized to charge payment of the following fees, any  
additional fees or credit any overpayment to Deposit Account No. 50-1017 (210147.0006). One  
additional copy of this sheet is enclosed.

- ☒ The above calculated filing fee \$814.
- ☒ The surcharge of \$130 for the late filing of the Declaration and Power of Attorney.
- ☒ Any additional fees required under 37 C.F.R. §1.16 or §1.17.
- ☒ If the filing of any paper during the prosecution of this application requires an extension of time in order for the paper to be timely filed, applicant(s) hereby petition(s) for the appropriate extension of time pursuant to 37 C.F.R. §1.136(a).

Respectfully submitted,

SEAN A. McCARTHY *ET AL.*

August 23, 1999  
(Date)

By: \_\_\_\_\_

**Gary D. Colby, Ph.D., J.D.**

Registration No. 40,961

**AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.**

One Commerce Square

2005 Market Street - Suite 2200

Philadelphia, PA 19103

Telephone: (215) 965-1200

**Direct Dial: (215) 965-1285**

Facsimile: (215) 965-1210

E-Mail: GCOLBY@AKINGUMP.COM

GDC/moh  
Enclosures



COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|
| 09/333,159         | 06/14/99            | MCCARTHY              | S 10147-6                 |

000570  
PANITCH SCHWARZE JACOBS & NADEL  
ONE COMMERCE SQUARE 22ND FLOOR  
2005 MARKET STREET  
PHILADELPHIA PA 19103



NOT ASSIGNED

1643

DATE MAILED:

08/03/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☒ non-small entity is \$ 944

☒ 1. The statutory basic filing fee is:

- ☐ missing.  
☐ insufficient.

Applicant must submit \$ 760 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. The following additional claims fees are due: \$ 54

\$ 54 for 3 total claims over 20.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☐ is missing or unsigned.  
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

U. Robinson

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

09333159  
501017  
00000019  
ASAPLE  
08/27/1999  
01 760.00 CH  
02 54.00 CH  
03 130.00 CH  
04 00.00 CH  
05 00.00 CH  
06 00.00 CH  
07 00.00 CH  
08 00.00 CH  
09 00.00 CH  
10 00.00 CH  
11 00.00 CH  
12 00.00 CH  
13 00.00 CH  
14 00.00 CH  
15 00.00 CH  
16 00.00 CH  
17 00.00 CH  
18 00.00 CH  
19 00.00 CH  
20 00.00 CH  
21 00.00 CH  
22 00.00 CH  
23 00.00 CH  
24 00.00 CH  
25 00.00 CH  
26 00.00 CH  
27 00.00 CH  
28 00.00 CH  
29 00.00 CH  
30 00.00 CH  
31 00.00 CH  
32 00.00 CH  
33 00.00 CH  
34 00.00 CH  
35 00.00 CH  
36 00.00 CH  
37 00.00 CH  
38 00.00 CH  
39 00.00 CH  
40 00.00 CH  
41 00.00 CH  
42 00.00 CH  
43 00.00 CH  
44 00.00 CH  
45 00.00 CH  
46 00.00 CH  
47 00.00 CH  
48 00.00 CH  
49 00.00 CH  
50 00.00 CH  
51 00.00 CH  
52 00.00 CH  
53 00.00 CH  
54 00.00 CH  
55 00.00 CH  
56 00.00 CH  
57 00.00 CH  
58 00.00 CH  
59 00.00 CH  
60 00.00 CH  
61 00.00 CH  
62 00.00 CH  
63 00.00 CH  
64 00.00 CH  
65 00.00 CH  
66 00.00 CH  
67 00.00 CH  
68 00.00 CH  
69 00.00 CH  
70 00.00 CH  
71 00.00 CH  
72 00.00 CH  
73 00.00 CH  
74 00.00 CH  
75 00.00 CH  
76 00.00 CH  
77 00.00 CH  
78 00.00 CH  
79 00.00 CH  
80 00.00 CH  
81 00.00 CH  
82 00.00 CH  
83 00.00 CH  
84 00.00 CH  
85 00.00 CH  
86 00.00 CH  
87 00.00 CH  
88 00.00 CH  
89 00.00 CH  
90 00.00 CH  
91 00.00 CH  
92 00.00 CH  
93 00.00 CH  
94 00.00 CH  
95 00.00 CH  
96 00.00 CH  
97 00.00 CH  
98 00.00 CH  
99 00.00 CH  
00 00.00 CH

Receipt

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

**FILE COPY**

BY Martha D. Helvert DATE August 23, 1999

PATENT

**RECEIVED**

FEB 07 2000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|             |  |   |  |
|-------------|--|---|--|
| In re:      | Patent Application of<br>Sean A. McCarthy, <i>et al.</i>                                       | : | Office of Initial Patent Examination               |
| Appln. No.: | 09/333,159   | : |  |
| Filed:      | June 14, 1999  | : |  |
| For:        | NOVEL GENES ENCODING PROTEINS<br>HAVING DIAGNOSTIC, PREVENTIVE,<br>THERAPEUTIC, AND OTHER USES | : | Attorney Docket<br>No. 10147-006US<br>(MBIO99-030) |



**REQUEST FOR CORRECTED FILING RECEIPT**

Attached is the original Filing Receipt for the above-identified patent application.

There are several errors on the filing receipt. Please note the following:

- 1) The Filing Fee amount is incorrect. No fee was authorized with the June 14, 1999 submission. The correct amount should read as follows: \$814. A copy of the Notice to File Missing Parts authorizing payment of the filing fee is enclosed herewith.
- 2) The first inventor's residence and the second, third and fourth inventors' names and residences have been omitted from the Applicant(s) section of the filing receipt. The information should read as follows:

**SEAN A. MCCARTHY, BOSTON, MA; CHRISTOPHER C. FRASER, LEXINGTON, MA;  
JOHN D. SHARP, ARLINGTON, MA; THOMAS M. BARNES, BOSTON, MA**

Please make this correction and provide us with a Corrected Filing Receipt.

Respectfully submitted,

SEAN A. MCCARTHY, *et al.*

August 23, 1999

By:

GARY D. COLBY, Ph.D., J.D.

Registration No. 40,961

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.

One Commerce Square

2005 Market Street - Suite 2200

Philadelphia, PA 19103

Telephone: (215) 965-1200

Direct Dial: (215) 965-1285

Facsimile: (215) 965-1210

E-Mail: GCOLBY@AKINGUMP.COM

GDC/srn/moh  
Enclosure

# FILE COPY

1642

|                             |                         |              |                        |                                |
|-----------------------------|-------------------------|--------------|------------------------|--------------------------------|
| SERIAL NUMBER<br>09/333,159 | FILING DATE<br>06/14/99 | CLASS<br>435 | GROUP ART UNIT<br>1646 | ATTORNEY DOCKET NO.<br>10147-6 |
|-----------------------------|-------------------------|--------------|------------------------|--------------------------------|

APPLICANT SEAN A. MCCARTHY, BOSTON, MA; CHRISTOPHER C. FRASER, LEXINGTON, MA;  
JOHN D. SHARP, ARLINGTON, MA; THOMAS M. BARNES, BOSTON, MA.

RECEIVED

FEB 07 2000

\*\*CONTINUING DOMESTIC DATA\*\*\*\*\*  
VERIFIED

\*\*371 (NAT'L STAGE) DATA\*\*\*\*\*  
VERIFIED

16CC

\*\*FOREIGN APPLICATIONS\*\*\*\*\*  
VERIFIED

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 08/02/99

|   |   |                        |                      |                    |                         |
|---|---|------------------------|----------------------|--------------------|-------------------------|
| Foreign Priority claimed<br>35 USC 119 (a-d) conditions met           | <input type="checkbox"/> yes <input type="checkbox"/> no<br><input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance | STATE OR COUNTRY<br>MA | SHEETS DRAWING<br>53 | TOTAL CLAIMS<br>23 | INDEPENDENT CLAIMS<br>3 |
| Verified and Acknowledged<br>Examiner's Initials _____ Initials _____ |   |                        |                      |                    |                         |

SEE CUSTOMER NUMBER: 000570

TITLE NOVEL GENES ENCODING PROTEINS HAVING DIAGNOSTIC, PREVENTIVE,  
THERAPEUTIC, AND OTHER USES

FILING FEE RECEIVED

\$944

FEES: Authority has been given in Paper  
No. \_\_\_\_\_ to charge/cr dit DEPOSIT ACCOUNT  
NO. \_\_\_\_\_ for the following:

- ☐ All Fees
- ☐ 1.16 Fees (Filing)
- ☐ 1.17 Fees (Processing Ext. of time)
- ☐ 1.18 Fees (Issue)
- ☐ Other \_\_\_\_\_
- ☐ Credit